



General Assembly

February Session, 2000

Raised Bill No. 33

LCO No. 685

Referred to Committee on Environment

Introduced by:
(ENV)

An Act Concerning Boating Safety.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 15-140f of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) The Commissioner of Environmental Protection shall formulate
4 courses in safe boating operation.

5 (b) The commissioner shall adopt regulations in accordance with the
6 provisions of chapter 54 setting forth the content of safe boating
7 operation courses. Such regulations may include provisions for
8 examinations, issuance of safe boating certificates and establishment of
9 reasonable fees for the course and examination and for issuing
10 certificates, temporary certificates, and duplicate certificates. Any fees
11 collected pursuant to such regulations shall be deposited in the boating
12 account established pursuant to section 15-155.

13 (c) The commissioner may enter into reciprocal agreements with
14 other states having similar safe boating or certificate programs
15 acceptable to the commissioner. Any person who successfully

16 completes a safe boating course of instruction [or] and holds a
17 certificate from another state which has a reciprocal agreement with
18 the commissioner may operate a vessel on the waters of this state.

19 Sec. 2. (NEW) No owner of a vessel with a Connecticut certificate of
20 number or certificate of decal shall knowingly allow any person to
21 operate such owner's vessel if such person (1) does not possess a
22 Connecticut safe boating certificate or certificate of personal watercraft
23 operation, and (2) (A) is a resident of the state, (B) owns real property
24 in the state, or (3) owns a vessel in the state required to be registered or
25 numbered pursuant to chapter 268 of the general statutes.

26 Sec. 3. Section 15-133 of the general statutes is repealed and the
27 following is substituted in lieu thereof:

28 (a) The rules prescribed by this section shall apply on all state and
29 federal waters.

30 (b) No person shall use a vessel in a manner which unreasonably or
31 unnecessarily interferes with free and proper navigation. Anchoring
32 under a bridge, in a narrow channel or in a congested water not
33 designated as an anchorage area shall be deemed to be such
34 interference, except in case of emergency.

35 (c) No person shall alter, deface or remove any capacity information
36 label affixed to any vessel.

37 (d) No person shall operate a vessel or engage in water skiing while
38 under the influence of intoxicating liquor or any drug [,] or both. [For
39 the purposes of this subsection and sections 15-140l or 15-140n, a
40 person shall be considered to be under the influence of intoxicating
41 liquor if the ratio of alcohol in the blood of such person at the time of
42 the alleged offense, as determined by methods prescribed in
43 subsection (a) of section 15-140r, is ten-hundredths of one per cent or
44 more of alcohol, by weight. No person arrested for a violation of this
45 subsection shall operate a vessel or engage in water-skiing upon the

46 waters of this state for a twenty-four-hour period after such arrest.] A
 47 person commits the offense of operating a vessel or engaging in water
 48 skiing while under the influence of intoxicating liquor or any drug or
 49 both if such person operates a vessel or engages in water skiing on the
 50 waters of the state (1) while under the influence of intoxicating liquor
 51 or any drug or both or (2) while such person has an elevated blood
 52 alcohol content. For the purposes of this section and sections 15-140l
 53 and 15-140m, "elevated blood alcohol content" means (A) a ratio of
 54 alcohol in the blood of such person that is ten-hundredths of one per
 55 cent or more of alcohol, by weight, (B) if such person has been
 56 convicted of a violation of this subsection, a ratio of alcohol in the
 57 blood of such person that is seven-hundredths of one per cent or more
 58 of alcohol, by weight, or (C) if such person is under twenty-one years
 59 of age, a ratio of alcohol in the blood of such person that is two-
 60 hundredths of one per cent or more of alcohol, by weight.

61 (e) No person shall operate a vessel or engage in water skiing on the
 62 waters of this state while such person's ability to operate such vessel or
 63 engage in water skiing is impaired by the consumption of intoxicating
 64 liquor. A person shall be deemed impaired when at the time of the
 65 alleged offense the ratio of alcohol in the blood of such person was
 66 more than seven-hundredths of one per cent of alcohol, by weight, but
 67 less than ten-hundredths of one per cent of alcohol, by weight.

68 (f) In any prosecution for a violation of subdivision (1) of subsection
 69 (d) of this section, reliable evidence respecting the amount of alcohol in
 70 the defendant's blood or urine at the time of the alleged offense, as
 71 shown by a chemical analysis of the defendant's blood, breath or urine,
 72 otherwise admissible under subsection (d) of this section, shall be
 73 admissible only at the request of the defendant.

74 [(e)] (g) No person shall operate a vessel or engage in any activity
 75 contrary to the regulations of the commissioner.

76 [(f)] (h) No person shall moor a vessel to, obstruct, remove, damage
 77 or destroy any navigation aid or any device used to mark a restricted

78 area.

79 [(g)] (i) Any person who violates the provisions of subsection (d) of
 80 this section shall: [be fined not less than one hundred dollars nor more
 81 than five hundred dollars. Any person who violates any of the
 82 provisions of subsection (b), (c) or (f) of this section shall be fined not
 83 less than twenty-five dollars nor more than two hundred dollars.] (1)
 84 For conviction of a first violation, (A) be fined not less than five
 85 hundred dollars nor more than one thousand dollars and (B) be (i)
 86 imprisoned not more than six months, forty-eight consecutive hours of
 87 which may not be suspended or reduced in any manner or (ii)
 88 imprisoned not more than six months, with the execution of such
 89 sentence of imprisonment suspended entirely and a period of
 90 probation imposed requiring as a condition of such probation that
 91 such person perform one hundred hours of community service, as
 92 defined in section 14-227e, and (C) have such person's vessel operating
 93 privilege suspended for one year; (2) for conviction of a second
 94 violation within ten years after a prior conviction for the same offense,
 95 (A) be fined not less than one thousand dollars nor more than four
 96 thousand dollars, (B) be imprisoned not more than two years, one
 97 hundred twenty consecutive days of which may not be suspended or
 98 reduced in any manner, and sentenced to a period of probation
 99 requiring as a condition of such probation that such person perform
 100 one hundred hours of community service, as defined in section 14-
 101 227e, and (C) have such person's vessel operating privilege suspended
 102 for three years or until the date of such person's twenty-first birthday,
 103 whichever is longer; and (3) for conviction of a third and subsequent
 104 violation within ten years after a prior conviction for the same offense,
 105 (A) be fined not less than two thousand dollars nor more than eight
 106 thousand dollars, (B) be imprisoned not more than three years, one
 107 year of which may not be suspended or reduced in any manner, and
 108 sentenced to a period of probation requiring as a condition of such
 109 probation that such person perform one hundred hours of community
 110 service, as defined in section 14-227e, and (C) have such person's
 111 motor vehicle operator's license or nonresident operating privilege

112 permanently revoked upon such third offense. Any person who
113 violates the provisions of subsection (e) of this section shall be fined
114 not less than one hundred dollars and not more than five hundred
115 dollars. Any person who violates the provisions of subsection [(e)] (g)
116 of this section shall have committed an infraction.

117 (j) The suspension of a vessel operating privilege imposed under
118 subsection (i) of this section shall take effect immediately upon
119 expiration of any period in which an appeal of any conviction under
120 subsection (d) of this section may be taken, provided if an appeal is
121 taken, the suspension shall be stayed during the pendency of such
122 appeal. If the suspension takes effect, the defendant shall return, not
123 later than the second business day after the suspension takes effect, by
124 personal delivery or first class mail, the operating privilege
125 documentation, or any certificate issued to the defendant by the
126 commissioner as a condition of operating a vessel on the waters of the
127 state, to the Department of Environmental Protection.

128 (k) Any person who violates the provisions of subsection (b) of this
129 section shall be fined not more than two hundred dollars.

130 (l) (1) A record shall be kept by each court of original jurisdiction of
131 any violation of the laws relating to the operation of a vessel. A
132 summary of such record, with a statement of the number of the
133 operator's safe boating certificate or certificate of personal watercraft
134 operation and the vessel's certificate of number or certificate of decal,
135 shall, within five days after such conviction, forfeiture or any other
136 disposition or nolle, be transmitted to the commissioner by such court.
137 Each court shall report each conviction under subsection (d) of this
138 section to the Commissioner of Environmental Protection. The
139 commissioner shall suspend the vessel operating privilege of the
140 person reported as convicted for the period of time required by
141 subsection (i) of this section.

142 (2) The operating privilege of a person found guilty under
143 subsection (d) of this section who is under eighteen years of age shall

144 be suspended by the commissioner for the period of time set forth in
145 subsection (i) of this section, or until such person attains the age of
146 eighteen years, whichever period is longer.

Statement of Purpose:

To make changes to certain safe boating laws and to equate operation of a boat while under the influence of alcohol to the operation of a motor vehicle while under the influence of alcohol.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]